

**UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION**

Case No. 2:18-md-2846

**Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson**

**This document relates to:
Cardell v. Davol, Inc., et al.
Case No. 2:20-cv-5265**

OPINION AND ORDER

On December 16, 2020, Defendants Ethicon, Inc. and Johnson & Johnson (collectively “Ethicon”) filed a motion for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure. (ECF No. 10.) Plaintiff Robin Cardell has failed to file a response, therefore the Court will treat the motion as unopposed.

“A motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) generally follows the same rules as a motion to dismiss the complaint under Rule 12(b)(6).” *Bates v. Green Farms Condo. Ass’n*, 958 F.3d 470, 480 (6th Cir. 2020) (internal citation omitted). Therefore, the Court “must follow the Supreme Court’s changes to the pleading standards in *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007).” *Id.* The Court has reviewed the complaint and agrees with the arguments raised in Ethicon’s motion to dismiss. That is, even when construing the complaint in favor of Plaintiff, accepting the well pleaded factual allegations contained in the pleading as true, those factual allegations fail to present any plausible claim. *See Twombly*, 550 U.S. at 570; *Iqbal*, 556 U.S. 662. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the

defendant is liable for the misconduct alleged. *Id.* at 678. Here, Plaintiff has failed to raise a plausible claim against Ethicon upon which relief can be granted. There is no jurisprudential value in issuing a more detailed decision on this matter. Accordingly, Ethicon's motion for judgment on the pleadings (ECF No. 10) is **GRANTED**. The Clerk is **DIRECTED** to **ENTER JUDGMENT** in favor of Defendants Ethicon, Inc. and Johnson & Johnson and to **DISMISS** Defendants Ethicon, Inc. and Johnson & Johnson. Plaintiff's claims against Davol, Inc. and C.R. Bard, Inc. remain pending, and this case shall remain open.

IT IS SO ORDERED.

12/1/2022
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE